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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------------|------------------------|
| 10/572,733 | 01/12/2007 | Hiroaki Yamamoto | 020357 097P2 | 6898 |
| 33805 7590 10/18/2007 WEGMAN, HESSLER & VANDERBURG 6055 ROCKSIDE WOODS BOULEVARD SUITE 200 CLEVELAND, OH 44131 | | | EXAMINER HEITBRINK, JILL LYNNE | |
| | | | ART UNIT 1791 | PAPER NUMBER |
| | | | MAIL DATE 10/18/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|---|---|--|
| <p align="center">Office Action Summary</p> | <p>Application No.</p> <p align="center">10/572,733</p> | <p>Applicant(s)</p> <p align="center">YAMAMOTO, HIROAKI</p> | |
| | <p>Examiner</p> <p align="center">Jill L. Heitbrink</p> | <p>Art Unit</p> <p align="center">1791</p> | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/30/06</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|---|---|

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4 and 8 are indefinite for the following reason(s): The direction of the X and Y direction are not clearly defined in relationship to the mold cavity walls or the shape of the automotive part. The location of the tangent line and the forward boundary are not clearly defined. Additionally, the female member moves away along line 358 which is parallel to the bottom inclined wall 320 as shown in Fig. 3A. However, claim 4 and the specification at page 7, lines 11 and 12 define the movement of the female member as being parallel to the tangent line 350, see page 6, line 28 which is not defined in the figures.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardgrove et al. Pat. No. 6,592,173.

Hardgrove discloses the method of molding an elongated automotive part having a substantially "C" shaped transverse cross sectional configuration (see Fig. 5), a nadir defined by the boss section 12, and an apex adjacent the first end 70 of the paint film. The method includes injecting molten plastic into the cavity, allowing the plastic to cool and removing the molded part. The Z direction of the mold would be along the elongated direction of the trim. The X and Y direction would be within the plane of the Figures 3, 4, and 5 perpendicular to the "Z" direction. The nadir cavity section has a sloped bottom wall 56 having a forward boundary proximate the front showside portion 10 and a rearward boundary extending away from the forward boundary in the Y direction. The tangent line that touches the forward boundary would obviously have been defined at many different angles in Hardgrove et al. since the bottom of the nadir section is curved and the exact location of the forward boundary is not clearly defined in the claim. The forward boundary is proximate the front showside portion and would have obviously been any position proximate the front showside portion of Hardgrove and thus would have many different angles in relation to the sloped bottom wall. Therefor, the angle of the sloped bottom wall to the tangent line being about 1 to 20 degrees, or about 1 to 10 degrees would have been obvious in Hardgrove depending upon the location of the tangent line.

5. Claims 3, 10, 11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardgrove et al. Pat. No. 6,592,173 as applied to claims 1, 2, 8, 9 and 12 above, and further in view of Yamamoto Pat. No. 6,168,742.

Yamamoto teaches a paint film 11 placed in the mold cavity along the front showside surface 22 and the bottom edge 12 extends into the nadir cavity section as shown in Fig. 2. It would have been obvious to a person of ordinary skill in the art to place the edge 72 of the film in Hardgrove within the nadir cavity section since this portion of the paint film is not visible in the final product as shown in Fig. 2 of Hardgrove. The paint film being a laminate having color layer therein, having at least on transparent layer, or comprising a metallic flake appearance would have been obvious as shown by Hardgrove at col. 1, lines 37-50.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardgrove et al. Pat. No. 6,592,173 in view of Yamamoto Pat. No. 6,168,742 as applied to claims 1-3 and 8-16 above, and further in view of Hirose Pat. No. 6,171,543.

As to claim 4, Hirose teaches a three part mold including a stationary male member 304, a movable female member 302 and a slider section 306. The direction of movement of the slider member 306 is defined as being lowered, col. 6, line 67 and the female member 302 would have been moved towards the left (perpendicular to the lowering direction) as shown in Fig. 5. The moving of the female member away from the male member along the Y direction at an angle of about 1 to 20 degrees relative to a line extending in the y direction and parallel to the tangent line would have been obvious

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in the combination of Hardgrove with Hirose since the direction of the tangent line is in the direction of such as to remove the trim from the mold in Hardgrove. Additionally, the direction of the Y direction is not clearly defined and would have been obviously defined in any direction in the plane of the Figures provided it is perpendicular to the not clearly defined X direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill L. Heitbrink whose telephone number is (571) 272-1199. The examiner can normally be reached on Monday-Friday 9 am -2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jill L. Heitbrink
Primary Examiner
Art Unit 1791

jlh